

REMARKS

This Amendment is responsive to the Office Action dated April 17, 2006, wherein claims 4 – 8 were allowed. Applicant appreciates the Examiner's efforts in conducting a timely and comprehensive examination of the application. Responsive to the Office Action, Applicant has further amended the application to a scope that is commensurate with the issues raised by the Examiner.

Claims 1 – 3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Blachly. Claims 4 – 8 are allowed. Claim 1 has been amended. No new matter has been added. Reconsideration is respectfully requested.

As to the rejections under 35 U.S.C. 102(b), Applicant has amended the claims to more clearly distinguish the present invention from Blachly. More particularly, Applicant has amended claim 1 to positively recite that shaft (16) is adapted with means for dispensing said oral medications directly under the user's tongue. Support for the amendment may be found throughout the specification. See, page 8, lines 5 – 15, "liquid medicine may be provided to a patient directly to a location below the patient's tongue . . . [through] exit chamber 20." See also FIG. 9 wherein tongue is restrained by tongue receiving structure 12 such that medicine will flow through the openings in chamber 20 below the tongue. This distinction is considered significant as the effective administration of certain medicines calls for placement of the medicine below the tongue.

U.S. Patent No. 4,270,531, issued to Blachly, discloses an oropharyngeal airway tube and bite block assembly wherein an elongate shaft 10 defines a generally

Applicant: Alexander Pivovarov

Serial No. 10/736,808

Page 6

horizontally disposed concave portion, referenced as 16. Blachly specifically teaches away from Applicant's invention by disclosing an airway tube that extends over the patient's tongue. See, Col. 3, lines 52 – 56 (downwardly curved posterior tongue depressor portion 16), and Col. 4, lines 40 – 41 (the posterior portion 16 of the airway tube extends over the patient's tongue into the upper throat). Blachly fails to disclose any means for dispensing medication directly under the tongue as presently claimed by Applicant. Accordingly, the structure disclosed by Blachly is completely different than that disclosed and claimed by Applicant.

In view of the above, Applicant believes that the claims are distinguishable from the teachings of the cited art. Accordingly, the claims are considered in immediate condition for allowance.

This Amendment is considered timely and fully responsive to the issues raised by the Examiner.

Should the Examiner have any questions, comments, or concerns, the undersigned would appreciate a telephone conference in order to expedite this case.

Respectfully submitted,

Stearns, Weaver, Miller, Weissler,
Alhadeff & Sitterson, P.A.
New River Center, Suite 2100
200 East Las Olas Boulevard
Fort Lauderdale, Florida 33301
Ph: (954) 462-9500
Fax: (954) 462-9567

Attorneys for Applicant

By:


Mark D. Bowen, Reg 39,914

Date: May 11, 2006

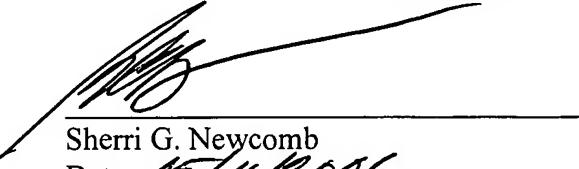


APPLICANT : Alexander Pivovarov
SERIAL NO. : 10/736,808
FILED : 12/15/2003
FILE NO. : 5055.001

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the following correspondence: ***AMENDMENT IN RESPONSE***
TO OFFICE ACTION DATED APRIL 17, 2006; and RETURN POSTCARD FOR
CONFIRMATION OF RECEIPT is being deposited with the United States Postal Service as first
class mail with sufficient postage in a prepaid envelope addressed to: Commissioner of Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on this 15th day of May, 2006.

I hereby declare that all statements made herein of my own knowledge are true and that all
statements made on information and belief are believed to be true; and further that these statements
were made with the knowledge that willful false statements and the like so made are punishable by
fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


Sherri G. Newcomb

Date: 05/11/2006

STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.
200 East Las Olas Boulevard, Suite 2100
Fort Lauderdale, Florida 33301
(954) 462-9500